



PATENT
0042-0491P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Satoshi ISHIKAWA et al. Conf.: 7110
Appl. No.: 10/706,038 Group: 1731
Filed: November 13, 2003 Examiner: D. Walls
For: WRAPPER PAPER FOR SMOKING ARTICLES DECREASING THE
AMOUNT OF VISIBLE SIDESTREAM SMOKE OF TOBACCO

L E T T E R

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 29, 2004

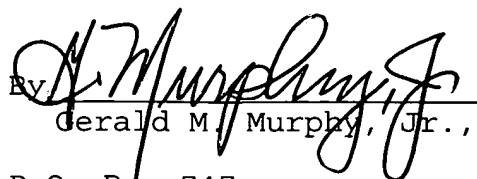
Sir:

Subsequent to the filing of the above-identified application on November 13, 2003, attached hereto is an English translation of the International Preliminary Examination Report (IPER 409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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GMM/ETP/bsh
0042-0491P

Attachment (s)

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02S0463P	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP02/04650	International filing date (day/month/year) 14 May 2002 (14.05.02)	Priority date (day/month/year) 16 May 2001 (16.05.01)
International Patent Classification (IPC) or national classification and IPC D21H 27/00, A24D 1/02		
Applicant JAPAN TOBACCO INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 01 July 2002 (01.07.02)	Date of completion of this report 20 March 2003 (20.03.2003)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP02/04650

I. Basis of the report**1. With regard to the elements of the international application:***

- ☒ the international application as originally filed
- ☐ the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 02/04650

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1.	Statement			
	Novelty (N)	Claims	1-6	YES
		Claims		NO
	Inventive step (IS)	Claims	6	YES
		Claims	1-5	NO
	Industrial applicability (IA)	Claims	1-6	YES
		Claims		NO

2. Citations and explanations

Claims 1-5

Document 1: EP 791688 A1

The feature of producing rolling paper for cigarettes that contains the amounts of calcium carbonate and the combustion regulating agent that are set forth in Claims 1-4 would be easy for a person skilled in the art in the light of the disclosures of Document 1 (Claims 1, 2 and 4; page 4, lines 26-28) cited in the international search report.

In addition, when making paper in a common paper machine, the feature of imparting disproportionate amounts of the filling materials to one side is common technical knowledge, therefore it would be easy for a person skilled in the art to obtain rolling paper that fulfills the conditions set forth in Claim 5.

Claim 6

The feature of making the ash content of the surface layer on the top side and the bottom side of the rolling paper to be 35% or less is not disclosed or suggested in any of the documents cited in the international search report.